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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92045238
Party	Plaintiff Rexam Closures and Containers, Inc. Rexam Closures and Containers, Inc.
Correspondence Address	Julie Ann Gregory and Brian P. McGraw Middleton Reutlinger 2500 Brown & Williamson Tower Louisville, KY 40202 UNITED STATES bmcgraw@middreut.com
Submission	Other Motions/Papers
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Date	09/07/2007
Attachments	RESPONSE to August 8 Order.pdf (5 pages)(26538 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of U.S. Registration No. 2,827,685

Mark: SNAPLOC

Registration Date: March 30, 2004

REXAM CLOSURES)	
AND CONTAINERS INC.)	
)	
Petitioner)	
)	
v.)	Cancellation No. 92045238
)	
BERRY PLASTICS CORPORATION.)	
)	
Registrant)	

CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
TRANSMITTED BY ELECTRONIC MAIL TO THE TRADEMARK
TRIAL AND APPEAL BOARD, UNITED STATES PATENT AND
TRADEMARK OFFICE ON SEPTEMBER 7, 2007.

BRIAN P. MCGRAW

/s/Brian McGraw/

PETITIONER'S RESPONSE TO ORDER DATED AUGUST 8, 2007

Petitioner, Rexam Closures and Containers Inc. ("Rexam" or "Petitioner"), by
counsel, hereby responds to the Trademark Trial and Appeal Board's ("TTAB") Order
dated August 8, 2007 and states as follows:

1. On August 8, 2007, the Board issued an Order granting Petitioner's Motion to
Suspend the proceedings pending the outcome of the *ex parte* prosecution of
Petitioner's trademark Application Serial No. 78/571,323 (the "323
Application"), in that Petitioner was granted thirty-days in which to inform the

Board of whether it was going to proceed with the cancellation proceedings or withdraw the petition.

2. Petitioner states that while the '323 Application was approved for publication on May 24, 2007, the application was not published for opposition until September 4, 2007.
3. Petitioner requests that the suspension be extended for an additional thirty-days, up to and until October 7, 2007, in order to allow the publication phase of the '323 Application to be completed.
4. Assuming no opposition is filed against the '323 Application, Petitioner will withdraw its Petition to Cancel U.S. Registration Number 2,827,685.

Dated: September 7, 2007

Respectfully submitted,

/s/Brian McGraw/

Julie Ann Gregory
Brian P. McGraw
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COUNSEL FOR PETITIONER
REXAM CLOSURES & CONTAINERS,
INC.

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Response to the Board's Order of August 8, 2007, with tendered order, was served this 7th day of September, 2007, by electronic mail and U.S. Mail, First Class, postage prepaid, to counsel for Respondent, Mary Jane Frisby, BARNES & THORNBURG LLP, 11 South Meridian Street, Indianapolis, Indiana 46204.

/s/Brian McGraw/

COUNSEL FOR PETITIONER REXAM
CLOSURES AND CONTAINERS, INC.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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REXAM CLOSURES
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Cancellation No. 92045238

ORDER

Petitioner, Rexam Closures and Containers Inc., having responded to the Board's Order of August 8, 2007, and the Board having considered the response and the record, and being otherwise sufficiently advised,

IT IS HEREBY ORDERED that these proceedings shall remain suspended up to and including October 7, 2007.

So Ordered this _____ day of September, 2007.

TRADEMARK TRIAL AND APPEAL BOARD

Tendered by:

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